

REMARKS

The Applicants have given careful consideration to the Office Action mailed August 13, 2003. In view of the amendments and arguments made herein, re-examination and reconsideration of the application are respectfully requested.

The Office Action

In the Office Action mailed August 13, 2003:

Claims 17, 32 and 49 were rejected under 35 U.S.C. §112, first paragraph, for failing to comply with the enablement requirement;

Claims 1-4, 6-21, 24-38 and 41-57 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,583,925 to Bernstein ("Bernstein") in view of U.S. Patent No. 5,206,901 to Harlow et al. ("Harlow");

Claims 5, 22, 23, 39 and 40 were rejected under 35 U.S.C. 103(a) as being unpatentable over Bernstein in view of Harlow and further in view of U.S. Patent No. 5,329,578 to Brennan et al. ("Brennan").

The Present Application

By way of brief review, the present application is directed to a system, apparatus and method for the automatic setup and teardown of conferencing services in a multiple leg telecommunications session. Where the invention is available, the telecommunications subscriber may predefine a list of secondary directory numbers in association with a primary or pilot directory number. The subscriber may also predefine which of the secondary directory numbers are to be associated with a conferencing session such as a conference call and whether or not the primary or pilot directory number is to be associated with a conferencing mode. When the subscriber dials the primary or pilot directory number, the system accesses the database to determine, among other things, the state of a conference mode parameter. If the conference mode parameter indicates that the primary directory number is currently configured for conference mode, call legs are set up in association with each secondary directory number associated with a secondary directory number conference parameter set to conference mode. The system monitors call progress on each of the call legs. Unanswered call legs can be dropped based on a predetermined no-answer parameter or time limit. In some embodiments, the call legs are set up differentially. That is, the call legs are processed based on the delay parameters associated with the secondary directory numbers. The set up of call legs that can be completed quickly is delayed so that processing

of call legs that take longer to set up can begin early. This allows the alerting of all call leg stations to begin at the same time. In some embodiments, the conference call is terminated when the subscriber disconnects from the conference call. In other embodiments, the conference call ends when the penultimate, or second to last, station to disconnect disconnects.

The Cited References

In contrast, the primary reference of the Office Action to Bernstein discloses an automatic three way calling feature for telecommunications system wherein a calling party dials an 800 number to access an adjunct 300 to a telecommunications network. The adjunct must request the identity (ANI) of the calling station. If the calling station is a subscriber to a conference calling service, the adjunct provides the calling station with a second dial tone. At that point the subscriber may enter (dial) speed dial codes associated with telephone numbers assigned to station sets that will be involved in the conference connection (column 3, line 66-column 4, line 14). Neither the speed dial codes nor the ANI are primary directory numbers. In the method of Bernstein, the user or subscriber must remember all of the speed dial codes associated with each of the parties the subscriber wants to include in a conference call. In contrast, in the method of the present application, the subscriber merely dials a primary directory number and the system attempts to establish communications with everyone in a predefined list without further input from the subscriber.

Harlow discloses a system and method for alerting a plurality of telephones in response to an incoming call to a destination directory number. A handling switch sends a query to a centralized database requesting routing instructions, and the database returns a directory number of the plurality of telephones to be alerted. The handling switch is notified as to which alerted telephone has an off-hook appearance first, and the incoming call is routed to that telephone (Abstract). Harlow is unconcerned with conference calling and is, therefore, non-analogous art. One looking to solve problems associated with conference calling would not look to Harlow.

It is submitted that the embodiments described by Harlow are all directed at connecting an incoming call to one of a plurality of phones. Once one of the alerted telephones is answered, the other call or calls is dropped (column 2, line 53; column 3, lines 2-5, lines 15-17; column 5, lines 16-19, lines 49-54; column 6, lines 13-19; column 7, lines 1-9 and lines 33-48). Harlow is simply directed to connecting an incoming call to a person, such as a doctor, a business executive, an attorney, etc., who has a strong need to be reached

wherever they are, and whom have a number of telephones, such as business phone, a home phone and a cellular phone (column 1, lines 13-20). Harlow is unrelated to conference calling.

Brennan allegedly discloses a system for providing personal communication services wherein a subscriber can tailor the telephone service to provide communication mobility and incoming call management. Calls to a personal number assigned to the subscriber are routed to a PCS service node which will reroute the call according to the subscriber's service profile stored in the database. The service node insures that attempts to communicate with the subscriber are handled with appropriate consideration for who is calling, when the call is made, and the urgency of the call. In addition, the subscriber is given control over how the system will work for them in routing incoming calls (Abstract).

Reply to the Examiner's Response to the Arguments of the Applicants

Page 8 of the present Office Action includes a response to some of the arguments presented in the Applicants' Amendment B. In responding to the argument presented by the Applicants, that an ANI is not a primary directory number, the Office Action explains that the Applicants misunderstood the previous Office Action and that the Examiner never associated an ANI with a primary directory number. Instead, the Office Action explains that the Examiner meant to draw an analogy between speed dial codes in Bernstein to the primary directory number recited in the claims of the present application. However, speed dial codes are not analogous to the primary directory number recited in the claims of the present application.

In Bernstein, speed dial codes are used as a means for the subscriber to manually indicate, one at a time, the desired participants of a conference call. The speed dial codes of Bernstein are dialed in addition to the telephone number of a network adjunct 300 (column 3, lines 55-58). In contrast, the subject matter of the present application calls for a list of conference call participants to predefined. A user initiates a conference call, merely by dialing a primary directory number. The incoming call leg, generated as a result of the dialing of the primary directory number is received, a plurality of secondary directory numbers associated with the primary directory number is determined and an outgoing call leg associated with each secondary directory number of the plurality of secondary directory numbers is processed and routed to form a plurality of outgoing call legs. The user does not have to dial any additional codes to designate conference call participants. Furthermore, the

user may initiate the conference call from any available phone and not from a phone having a particular ANI.

For the foregoing reasons, Bernstein does not disclose or suggest the subject matter for which it is relied upon and the claims of the present application are unanticipated and unobvious in light of Bernstein, Harlow and Brennan taken alone or in any combination.

In responding to the arguments of the Applicants that Harlow is unconcerned with conference calling and is therefore non-analogous art and not fairly combined with Bernstein against the claims of the present application, the Office Action does not argue that Harlow is concerned with conference calling or that Harlow is analogous art. Instead, the Office Action asserts that one cannot show non-obviousness by attacking references individually, where rejections are based on combinations of references.

However, the Examiner must determine what is "analogous prior art" for the purpose of analyzing the obviousness of the subject matter at issue. "In order to rely on a reference as a basis for rejection of an Applicant's invention, the reference must either be in the field of the Applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oticar*, 977 F.2d1443, 1446, 24 U.S.P.Q2d 1443, 1445 (Fed.Cir.1992).

Moreover, it is respectfully submitted that 35 U.S.C. §103 requires that obviousness be determined on the basis of whether at the time the invention was made a person of ordinary skill in the art to which the subject matter pertains would have found the invention obvious. Although one of ordinary skill in the art is presumed to be aware of all prior art in the field to which the invention pertains, he is not presumed to be aware of prior art outside that field, i.e., a non-analogous art. Accordingly, in assessing the propriety of any assertion of prior art as a basis for prima-facie case of obviousness, one must determine the scope or bounds of the knowledge of one of ordinary skill in the art, i.e., the analogous art presumably known by one of ordinary skill in the art.

As such, it is submitted that one of ordinary skill in the art of conference calling should not be presumed by the Examiner to be aware of a system for alerting a plurality of telephones in response to an incoming call and routing the incoming call to an alerted telephone which has an off hook appearance first (i.e., Harlow).

For the foregoing reasons, Harlow is non-analogous art and is not fairly combined with Bernstein and Brennan against the claims of the present application.

The Examiner disagrees with the argument of the Applicants that Harlow does not disclose monitoring answering of the plurality of outgoing call legs. In explaining this disagreement, the Office Action refers to column 5, lines 11-21 of Harlow and accurately summarizes them as disclosing that when an answer message is received, ringing on a plurality of unanswered call legs is discontinued. However, this is exactly the point made by the Applicants. Harlow discloses monitoring answering of only a single outgoing call leg. When the single outgoing call leg is answered, Harlow discontinues alerting the other call legs. Therefore, Harlow does not disclose or suggest monitoring answering of a plurality of outgoing call legs.

The Office Action refers to the argument of the Applicants that Harlow does not disclose continuing to alert an unanswered outgoing call leg until a predetermined period of time has elapsed and the argument of the Applicants that Bernstein teaches away from stopping an alert after a predetermined period of time has expired. However, the Office Action does not assert that those arguments are in error. Instead the Office Action asserts that it would have been obvious to one of ordinary skill in the art that it is necessary to stop alerting after a predetermined period of time in order to release resources that are tied up to the call. However, the Applicants respectfully disagree.

Bernstein discloses stopping alerting when a subscriber decides that alerting should stop and takes manually action to stop the alerting (column 7, lines 8-19). Therefore, according to Bernstein, it is not necessary to stop alerting after a predetermined period of time in order to release resources that are tied up to the call. It is respectfully submitted that the motivation to stop alerting after a predetermined period of time can only be found in the present application. A statement that modifications to the prior art to meet the claimed invention would have been “well within the ordinary skill of the art at the time the claimed invention was made” because the references relied upon teach all of the aspects of the claimed invention were individually known in the art is not sufficient to establish a prima-facie case of obviousness without some objective reason to combine the teachings of the references.

Since Bernstein teaches away from stopping an alert after a predetermined period of time is expired, and since Harlow is unrelated to conference calling and discloses discontinuing alerting immediately upon the receipt of an answer message from a single call leg, there is no motivation in the art to combine Bernstein and Harlow and any such combination would not arrive at stopping an alert after a predetermined period of time has expired. Therefore, the claims of the present application that recite stopping an alert after a

predetermined of time has expired are unanticipated and unobvious in light of Bernstein, Harlow and Brennan taken alone or in any combination.

The Claims are Supported by the Specification

Claims 17, 32 and 49 were rejected under 35 U.S.C. 112 first paragraph for failing to comply with the enablement requirement. The Office Action asserts that the claims contain subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or which it is most nearly connected, to make and/or use the invention. Specifically, the Office Action asserts that **claims 17, 32 and 49** recite -- differentially processing and writing each outgoing call leg-- and that this subject matter was not described in the specification in such a way as to enable one skilled in the art to which it pertains to make or use the invention. However, the specification has been amended to more specifically define differentially processing. This amendment does not represent new matter because the subject matter added by amendment to the present specification was presented in U.S. Patent Application Serial No. 09/094,837, now U.S. Patent No. 6,009,159, entitled "Apparatus, Method and System for controlling the Start of Alerting of Multiple Leg Telecommunication Sessions", filed June 15, 1998 (see, for example, col. 13, line 51 -- column 14, line 16 and col. 14, lines 35-46 of the '159 patent) and incorporated by reference in the present application on page 1, lines 11-15.

It is respectfully submitted that for at least the foregoing reasons, **claims 17, 32 and 49** are supported by the specification and the rejection under 35 U.S.C. §112, first paragraph should be withdrawn.

The Claims are Not Obvious

Claims 1-4, 6-21, 24-38 and 41-57 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bernstein in view of Harlow.

However, as explained above, Harlow is non-analogous art with respect to the claims of the present application. One concerned with conferencing in a multiple leg telecommunication session would not look to Harlow.

Additionally, when explaining the rejection of **claim 1**, the Office Action asserts that Bernstein discloses processing and routing outgoing call legs associated with directory numbers to form a plurality of outgoing call legs and connecting an answered outgoing call leg, of the plurality of outgoing call legs, to the incoming call leg for a multiple leg telecommunication conferencing session. In making this assertion, the Office Action draws

an analogy between directory numbers and speed dial codes. However, **claim 1** recites receiving an incoming call leg designating a primary directory number, determining a plurality of secondary directory numbers associated with the primary directory number and has been amended to recite processing and routing an outgoing call leg associated with each secondary directory number of the plurality of secondary directory numbers to form a plurality of outgoing call legs.

In contrast, it is respectfully submitted that Bernstein discloses receiving an incoming call leg designating an 800 number, determining an ANI associated with the calling party, determining a plurality of secondary directory numbers associated with the ANI, receiving speed dial codes from the calling party for selecting from among the secondary directory numbers associated with the ANI, and processing and routing outgoing call legs associated with each speed dial code. It is respectfully submitted that speed dial codes of Bernstein are not analogous to the primary directory number recited in claim 1. In Bernstein the user or calling party must remember and enter the speed dial codes in addition to remembering and entering the 800 number. Additionally, the secondary directory numbers of Bernstein are not associated with the primary directory number but are associated with the ANI and different speed dial codes.

For the foregoing reasons, Bernstein does not disclose or suggest all the elements for which it is relied upon and **claim 1**, as well as **claims 2-17**, which depend therefrom, are unanticipated and unobvious in light of Bernstein and Harlow taken alone or in any combination.

Additionally, the Office Action admits that Bernstein does not disclose determining a plurality of secondary directory numbers associated with the primary directory number and monitoring answering of the plurality of outgoing calls. The Office Action relies on Harlow for this disclosure. However, Harlow is non-analogous art and does not properly combine with Bernstein against claims of the present application.

Furthermore, Harlow does not disclose or suggest monitoring answering of a plurality of outgoing call legs. Column 2, lines 49-53 of Harlow, referenced by the Office Action, disclose monitoring the answering only one of a plurality of call legs and then dropping the remaining call legs. **Claim 1** recites monitoring answering of the plurality of outgoing call legs.

For the foregoing reasons, Harlow does not disclose or suggest all the elements for which it is relied upon. Therefore, **claim 1**, as well as **claims 2-17**, which depend therefrom,

is unanticipated and unobvious in light of Bernstein and Harlow taken alone or in any combination.

Lastly, the Office Action asserts that it would have been obvious to one of ordinary skill of the art at the time the invention was made to monitor answering outgoing call legs after routing them in order to either connect it to the incoming call leg or to alert it for a predetermined period of time then teardown the call. The Applicants respectfully traverse this assertion as it is not supported by the cited references and the suggested motivation can only be found in the present application. Therefore, the motivation to combine the references is based on impermissible hind sight.

For the foregoing reasons, **claim 1**, as well as **claims 2-17**, which depend therefrom, is unanticipated and unobvious in light of Bernstein and Harlow taken alone or in any combination.

In explaining the rejection of **claims 2, 19 and 36**, the Office Action repeated the reasoning presented in the Office Action of February 28, 2003, without responding to the arguments presented in the Applicant's Amendment B. However, column 3, line 67-column 4, line 15 of Bernstein, referenced by the Office Action, describes an adjunct **300** determining whether or not a caller's ANI is stored at an indexed location and if the ANI is stored in the index location, the adjunct assumes that the caller is a subscriber of the service of Bernstein. At this point, the subscriber may enter speed dial codes associated with telephone numbers assigned to the station sets that will be involved in the conference connection. It is, and was, respectfully submitted that this is not a disclosure of determining if directory numbers are configured for a conference mode, as recited in **claims 2, 11 and 36**. Instead, this is a disclosure of manually providing a list of numbers that will be involved in the conference connection. It requires the user to remember the correct speed dial codes and to manually enter them each time a conference connection is desired. In contrast, determining whether the primary directory number and its associated plurality of secondary directory numbers are configured for a conference mode as recited in **claim 2**, for example, is an automatic process that does not burden the user with having to remember speed dial codes or anything else.

For the foregoing reasons, **claims 2, 19 and 36** are unanticipated and unobvious in light of Bernstein and Harlow taken alone or in any combination.

Additionally, since the present Office Action does not respond to the arguments previously made with regard to **claims 2, 19 and 36**. The Applicant has been denied an opportunity to clarify or expand on those arguments or to amend the claims to address remaining concerns of the Examiner. Therefore, no clear issue has been developed between

the Examiner and the Applicant. It is respectfully submitted that, before final rejection is in order, a clear issue should be developed between the Examiner and the Applicant (MPEP 706.07).

In explaining the rejection of **claims 3, 20 and 37**, the Office Action repeats the admission that Bernstein does not disclose continuing to alert an unanswered outgoing call leg until a predetermined period of time has elapsed and repeats the assertion that Harlow discloses alerting applied to the lines associated with the primary and secondary directory numbers until one of the lines reports off hook, first made in the Office Action of February 28, without responding to the arguments made in support of **claims 3, 20 and 37** in the Applicants Amendment B. Again it is respectfully submitted that Harlow is non-analogous art and is not fairly combined with Bernstein against the claims of the present application. Furthermore, since Harlow discloses dropping unanswered calls as soon as one of the lines reports off hook, Harlow does not disclose or suggest continuing to alert an unanswered outgoing call leg until a predetermined period of time has elapsed. The Office Action asserts that alerting an unanswered outgoing call leg will stop after a predetermined period of time has expired is obvious. However, this assertion is not supported by the cited references and the assertion is respectfully traversed. Bernstein discloses a program assuming that the conference connection has been established and begins monitoring the voice channel assigned to the subscribers call. Such monitoring includes responding to the subscriber terminating the call connection by hanging up. If that is the case, then the program terminates all of the connections associated with the conference connection (column 7, lines 9-13). Harlow discloses terminating unanswered calls immediately upon a first call being answered.

For the foregoing reasons, **claims 3, 20 and 37**, as well as **claims 4-7, 21-24 and 38-41**, which depend respectively therefrom, are unanticipated and unobvious in light of Bernstein and Harlow taken alone or in any combination.

Additionally, it is respectfully submitted that since the present Office Action does not respond to the Applicants arguments with regard to **claims 3, 20 and 37**, no clear issue has been developed between the Examiner and the Applicant and that before final rejection is in order, a clear issue should be developed between the Examiner and the Applicant (MPEP 706.07).

In explaining the rejections of **claims 8-10, 25-27 and 42-44**, the Office Action refers to the same reasons as discussed with respect to **claim 1**. Additionally, the Office Action asserts that Harlow discloses a user enters the speed dial code to establish the conference

connections/conference bridges and concurrent alerting to a plurality of outgoing call legs. In support of this assertion, the Office Action directs the attention of the Applicants to column 4, lines 15-26 and 55-60. The referenced sections of Harlow are unrelated to speed dial codes. Therefore, the Applicants assume that the Office Action was meant to refer to Bernstein. Arguments similar to those submitted in support of **claim 1** are submitted in support of **claims 8-10, 25-27 and 42-44**. Additionally, the referenced sections of Bernstein do not disclose or suggest a conference bridge. **Claims 10, 27 and 44** are related to connecting the answered outgoing call leg and the incoming call leg to a conference bridge.

For this additional reason, **claims 10, 27 and 44** are unanticipated and unobvious in light of Bernstein and Harlow taken alone or in any combination.

In explaining the rejection of **claims 15, 16, 30, 31, 47 and 48**, the Office Action admits that Bernstein does not suggest terminating the multiple leg telecommunication conference session upon termination of the incoming call leg, or a penultimate call leg remaining from a plurality of call legs forming the multiple leg communication conference session. Instead, the Office Action merely asserts that terminating the conference session upon a penultimate call leg being terminated is obvious and well known in the art and asserts that the advantage of using it is also well known, that being there would not be a conference if there is only one conferee left.

The Applicants respectfully disagree and traverse the assertion of the Office Action. Harlow is not directed toward conference calling. Bernstein discloses only responding to the subscriber terminating the call connection by hanging up by terminating all the connections associated with the conference connection (column 7, lines 12-16).

For at least the foregoing additional reasons, **claim 16, 31 and 48** are unanticipated and unobvious in light of Bernstein and Harlow taken alone or in any combination.

Claim 18 was rejected for the same reasons as discussed with respect to **claim 1**. Additionally, the Office Action asserts that Bernstein discloses a database having stored in a memory a plurality of directory numbers and a switching center coupled to the database. Arguments similar to those submitted in support of **claim 1** are submitted in support of **claim 18**. Additionally, in the database of Bernstein, a plurality of directory numbers are not associated with a primary directory number. Instead, they are associated with an AIN and are selected through the use of speed dial codes (column 3, lines 29-32, column 3, line 50-column 4, line 15). It is respectfully submitted that column 2, line 63 – columns 3, line 3 referred to by the Office Action describes how a call is routed to the appropriate adjunct 300 and is unrelated to a database having stored in a memory a plurality of secondary directory

numbers associated with a primary directory number. Instead, the referenced section describes a network control point that translates an 800 telephone number to a destination telephone number of the adjunct **300**. For the foregoing reasons, **claim 18**, as well as **claims 19-34**, which depend therefrom is unanticipated and unobvious in light of Bernstein and Harlow taken alone or in any combination.

In rejecting **claim 35**, the Office Action implies that Bernstein discloses a memory storing a plurality of secondary directory numbers associated with a primary directory number. However, as explained above, Bernstein does not disclose secondary directory numbers associated with a primary directory number. Instead, Bernstein discloses secondary directory numbers associated with AIN. Additionally, the secondary directory numbers associated with AINs must be selected individually through the use of speed dial codes or complete number entry.

For the foregoing reasons, **claim 35**, as well as **claims 36-49**, which depend therefrom, is unanticipated and unobvious in light of Bernstein and Harlow taken alone or in any combination.

In rejecting **claim 50**, the Office Action stipulates that Bernstein does not disclose a mobile communication conference system and asserts that Harlow discloses a mobile switching center having an interface. The Office Action also asserts that a Home Location Registers is inherent in mobile communication and that conference bridge coupled to a mobile switching center is simply well known in the art. However, as explained above, Harlow is not directed toward conference calling and is non-analogous art. Additionally, **claim 50** recites a specific kind of Home Location Register and a specific kind of Mobile Switching Center -- these devices are not known or inherent in mobile communication systems. For example, **claim 50** recites a Home Location Register having stored in a memory a plurality of secondary directory numbers and a conference parameter associated with a pilot directory number. As explained above, Bernstein does not disclose any kind of database or register, wherein a plurality of secondary directory numbers are associated with a pilot directory number. Harlow does not disclose or suggest a conference parameter associated with a pilot directory number. Harlow does not disclose or suggest a Mobile Switching Center for determining whether the pilot directory number and its associated plurality of secondary directory numbers are configured for a conference mode, and when configured for the conference mode, for processing and routing an outgoing call leg associated with each secondary directory number to form a plurality of outgoing call legs, the

Mobile Switching Center including instructions to monitor answering of the plurality of outgoing call legs.

For the foregoing reasons, **claim 50** as well as **claims 51-57**, which depend therefrom, is unanticipated and unobvious in light of Bernstein and Harlow taken alone or in any combination.

Claims 51-56 were rejected for the same reasons as discussed with respect to **claims 3, 4, 5, 13 and 15-17**. Arguments similar to those submitted in support of **claims 3, 4, 5, 13 and 15-17** are submitted in support of **claims 51-56**.

In rejecting **claim 57**, the Office Action repeats the assertions made with regard to **claim 57** in the Office Action of February 28, 2003 without explaining why the arguments submitted in support of **claim 57** in the Applicants Amendment B were not found persuasive. The Office Action asserts that the use of the ANSI-41 protocol is obvious at least in mobile communications. However, **claim 57** recites the Home Location Register transmits a Location Request RETURN RESULT containing a list of each secondary directory numbers, the conference parameter and the corresponding routing, answering, and terminating parameters for each secondary directory number. It is respectfully submitted that, if nothing else, it is not obvious to transmit a Location Request RETURN RESULT including the conference parameter. For the foregoing additional reasons, **claim 57** is unanticipated and unobvious in light of Bernstein and Harlow taken alone or in any combination.

Since the Office Action does not explain why the previous arguments were not persuasive, it is respectfully submitted that no clear issue has been developed between the Examiner and the Applicant. Before final rejection is in order, a clear issue should be developed between the Examiner and the Applicant (MPEP 706.07).

Claims 5, 22, 23, 39 and 40 were rejected under 35 U.S.C. §103(a) as being unpatentable over Bernstein in view of Harlow and further in view of Brennan. However, Brennan is not directed toward conference calling. One working toward a method for telecommunication conferencing in a multi-leg telecommunications session would not look toward Brennan. Therefore, Brennan is non-analogous art and is not fairly combined with Bernstein and Harlow against the claims of the present application.

Additionally, in regard to **claims 5, 22 and 39**, the Office Action asserts that Brennan teaches routing the call to second directory number associated with the previously answered call and directs the attention of the Applicants to column 6, lines 5-46 in support of the assertion. However, the referenced section of Brennan discloses a series of numbers or devices that should be tried in sequence in attempt to reach a called party. **Claim 5**, for

example, recites when a second predetermined period of time has elapsed, processing and routing a second outgoing call leg to a corresponding secondary directory number associated with a previously unanswered call leg. It is respectfully submitted that each of the devices to be tried in sequence in Brennan is associated with a different secondary directory number and as such, is not associated with a previously unanswered outgoing call leg, at least not in the sense claimed in the present application. In other words, **claim 5** is directed toward retrying a number that was previously unanswered. In contrast, Brennan discloses trying different numbers to reach the same party.

For the foregoing reasons, **claim 5**, as well as **claim 6**, which depends therefrom, **claim 22**, as well as **claim 23**, which depends there from and **claim 39**, as well as **claim 40**, which depends therefrom are unanticipated and unobvious in light of Bernstein, Harlow and Brennan taken alone or in any combination.

Telephone Interview

In the interests of advancing this application to issue the Applicant(s) respectfully request that the Examiner telephone the undersigned to discuss the foregoing or any suggestions that the Examiner may have to place the case in condition for allowance.

CONCLUSION

Claims 1-57 remain in the application. For the foregoing reasons, the case is in condition for allowance. Accordingly, an early indication thereof is requested.

Respectfully submitted,

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